

On motion of Senator Broughton, the resolution was laid on the table.

Senator Franks offered the following resolution, which was read and referred to the Committee on Contingent Expenses :

Resolved, That the secretary of the Senate be authorized to draw his warrant upon the State Treasurer in favor of Thomas Beck for fifty dollars, for services as porter from December 2 to December 12 inclusive, at five dollars *per diem*, in accordance with a resolution adopted by the Senate on the second of December, 1871.

Senator Shelley introduced a bill entitled "An act for the relief of Jesse R. Allen or his assignees." Read first time and Referred to Committee on Private Land Claims.

On motion of Senator Flanagan the Senate adjourned to 10 o'clock A. M. to-morrow.

SENATE CHAMBER,
AUSTIN, TEXAS, February 8, 1873. }

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by the chaplain.

Journal of yesterday read and adopted.

Senator Shelley presented the petition of Daniel A. James, asking for the issue of land certificate. Referred to Committee on Private Land Claims.

Also, the memorial of citizens of Texas in regard to an amendment to the Constitution. Referred to Committee on Constitutional Amendments.

Senator King presented the petition of A. Howell, asking return of money paid as reward for apprehension of the murderer of his son in Mason county. Referred to Committee on Claims and Accounts.

Committee on Enrolled Bills made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Enrolled Bills, to whom was referred Senate bill No. 23, entitled "An act to amend an act entitled an act to incorporate the city of Tyler, and to provide for the administration of its municipal affairs approved April 26, 1871," beg leave to report that the same was sent to the Governor for his approval and signature yesterday at 11 o'clock.

H. R. LATIMER, Chairman.

Committee on Roads, Bridges and Ferries made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 81, "An act to establish a bridge across Choctaw Bayou, in Grayson county," beg leave to report that they have had the same under consideration and recommend that the bill do pass.

H. R. LATIMER, Chairman.

Committee on Engrossed bills made the following report:

Hon. E. B. Pickett, President of the Senate:

Your Committee on Engrossed Bills have examined the following:

Senate bill No. 42, "An act conferring the right of suffrage upon such foreign born residents as may have heretofore declared, or may hereafter declare, their intention to become citizens, before the clerks of the district courts of the several counties, in vacation."

Senate bill No. 34, "An act to amend section second of an act entitled an act further regulating proceedings in the several courts of the State of Texas, approved May 19, 1871."

And find them correctly engrossed.

J. D. SAYERS, Chairman.

The Committee on Education made the following report:

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Education having had under careful consideration House bill No. 14, entitled "An act to repeal section five (5) of an act entitled an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," herewith report the same back to the Senate with the following amendments and recommend its passage.

E. L. DOHONEY, Chairman.

Amend by striking out section one and insert as follows: "SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That section five (5) of an act entitled 'An act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871, be so amended as hereafter to read as follows, to-wit: SEC. 5. The available school fund liable to appropriation for the support of public schools is hereby

declared to be all interest which has accrued, or may hereafter accrue, to the school fund from railroads or otherwise, since the thirtieth day of March 1870, one-fourth of all the *ad valorem* and occupation taxes assessed since that date, and such other taxes as may be provided by law for the support of public school accounts against this available school fund, shall be paid out of any part of it that may be in the treasury, on appropriation therefor by the Legislature."

Amend third section, in line ten, by inserting after the word "the" and before the word "collection," the words "assessment or."

Amend caption by striking out the word "repeal" and insert the word "amend."

Hon. E. B. Pickett, President of the Senate:

SIR: Your Committee on Education having had under consideration Senate bill No. 26, "An act to amend section five of an act to organize and maintain a system of public free schools in the State of Texas, approved April 24, 1871," herewith report the same back to the Senate, and recommend that it do not pass, for the reason that the substance thereof is contained in House bill No. 14, which has been recommended by this committee.

E. L. DOHONEY, Chairman.

The following message from the Governor was received and read:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 7, 1873. }

*To the Honorable Senate and House of Representatives
of the State of Texas:*

GENTLEMEN: I have the honor to enclose herewith a communication from Hon. Wm. Alexander, Attorney General, and request that this matter receive the immediate attention of your body. The various subjects of litigation now pending in the courts wherein the State is interested are so numerous that it is impossible for the Attorney General, unaided, to give them that attention which their importance to the State demands.

I recommend an appropriation to enable me to procure the services of assistant counsel, as suggested by him.

Respectfully,

EDMUND J. DAVIS, Governor.

Senator Shelley offered the following resolution, which was adopted:

Resolved, That the message of the Executive, together with the communication of the Attorney General, relating to civil suits against the State heretofore authorized by law, and the necessity for making suitable provision for the defense of said suits, be referred to a joint committee of three on the part of the Senate, and a like committee on the part of the House, and that said committee be instructed to report by bill or otherwise.

Senators Shelley, Word and Finlay were appointed said committee on part of Senate.

The following message from the Governor was read and referred to Judiciary Committee No. 1:

EXECUTIVE OFFICE, STATE OF TEXAS, }
AUSTIN, February 7, 1873. }

To the Honorable Senate of the State of Texas:

GENTLEMEN: I respectfully ask your advice and consent to the following appointments, to-wit:

J. Douglas Brown, Notary Public, Trinity county.
C. B. Wood, Notary Public, Trinity county.
J. W. Hamilton, Notary Public, Trinity county.
Y. W. Randolph, Notary Public, Trinity county.
Alexander Journegan, Notary Public, Trinity county.
Wm. Mainer, Notary Public, San Augustine county.
Jno. Head, Jr., Notary Public, San Augustine county.
Joseph Massey, Notary Public, San Augustine county.
Wm. Weatherred, Notary Public, Sabine county.
John McLeroy, Notary Public, Sabine county.
Jno. Clifton, Notary Public, Sabine county.
W. J. Croom, Notary Public, Fort Bend county.
Theo. G. Jones, Notary Public, Freestone county.
H. P. Davis, Notary Public, Freestone county.
Robert Mayes, Notary Public, Freestone county.
W. F. Huckoby, Notary Public, Freestone county.
C. H. Prowell, Notary Public, Freestone county.
W. L. Faulk, Notary Public, Henderson county.

Respectfully,

EDMUND J. DAVIS, Governor.

Senator Saylor introduced a bill, No. 86, "An act supplementary to an act entitled an act to provide for the establishment of the Agricultural and Mechanical College, approved April 17, 1871." Read first time and referred to Committee on Education.

Senate bill No. 28, "An act to regulate pre-emption settlers on the public lands of the State of Texas,"

report of committee and substitute, were read. Substitute adopted and ordered engrossed.

Senate joint resolution No. 11, "Authorizing the Comptroller and Treasurer to employ additional clerks," together with report of committee and substitute, were read. Substitute adopted and ordered engrossed; rules suspended, read a third time and passed.

Senate joint resolution No. 7, "Regarding soldiers who fell at the battle of Glorietta, near Santa Fé, New Mexico," together with report of committee and substitute, were read. Substitute adopted.

Senator Sayers offered the following amendment, which was adopted: After the word "Val Verde," insert, "and also of those who were buried at Socorro, Albuquerque and Santa Fé." Rules suspended, read third time and passed.

A message was received from the House, informing the Senate that the House had passed the following House bills, to-wit:

No. 98, "An act to amend section five of an act entitled an act prescribing the powers and duties of clerks of the district courts, approved August 12, 1870."

No. 97, "An act entitled an act to regulate the conduct of public officers."

No. 68, "An act to authorize and require sheriffs and constables to execute process ordered by the Legislature, or any committee thereof."

No. 57, "An act to prohibit the sale or giving away of intoxicating or spirituous liquors within one mile of the institution of learning situated at Caledonia, in Rusk county, Texas."

No. 82, "An act to authorize the County Court of Maverick county to issue interest bearing bonds, and to levy a tax to pay the same."

No. 116, "An act to amend the first section of an act entitled an act to amend the first section of an act to regulate proceedings in the district courts, approved May 13, 1846, approved December 10, 1863."

And also the following joint resolutions, to-wit:

No. 34, "Joint resolution of thanks to Gen. McKenzie and command."

No. 96, "Joint resolution of thanks to each of the persons engaged in the late encounter with the Indians in Live Oak county."

On motion of Senator Dillard, House bill No. 106, "An act to provide for the public printing," was taken up, read third time and passed.

Senate bill No. 43, "An act to regulate the hours of labor," was read second time, and the report of Judiciary Committee No. 2, recommending that the bill do not pass, adopted.

Senate bill No. 63, "An act to prohibit the sale of intoxicating liquors in the vicinity of Red Rock, in Bastrop county, was read second time.

Senator Sayers moved to amend by striking out "one mile" and inserting "two miles" in section one. The amendment was adopted.

On motion of Senator Finlay, the rules were suspended, the bill as amended read third time and passed.

Senator Dohoney moved a suspension of the rules to take up House bill No. 22, "An act to incorporate the city of Fort Worth." Carried.

The bill was read first time; rules suspended, read second time; rules further suspended, read third time and passed.

Senate bill No. 72, "An act for the relief of Bertha Staffel," was read second time and ordered engrossed.

Senate bill No. 44, "An act to incorporate a company to be styled the Palestine Fire Company," was read second time and ordered engrossed.

On motion of Senator Word, the rules were suspended, the bill read third time and passed by the following two-thirds vote:

Yeas—Senators Avinger, Baker, Ball, Cole, Dillard, Dohoney, Ford, Finlay, Flanagan, Fountain, Franks, Hall, Henry, King, Latimer, Rawson, Randle, Ruby, Saylor, Sayers, Shelley, Swift, Tendick, Word and Mr. President—25.

Senate bill No. 34, "An act to amend an act entitled an act to amend an act concerning proceedings in the district courts, approved March 16, 1848, approved November 9, 1866," was read second time. Also, the report of Judiciary Committee No. 2, recommending a substitute, was read, the substitute adopted, and the bill, as substituted, ordered engrossed.

Senator Cole moved to adjourn to 10 o'clock A. M. Monday next, which was lost by the following vote:

Yeas—Senators Baker, Broughton, Cole, Ford, Flana-

gan, Fountain, Gaines, Latimer, Pyle, Rawson, Randle and Mr. President—12.

Nays—Senators Avinger, Ball, Dillard, Dohoney, Evans, Finlay, Franks, Henry, King, Ruby, Sayers, Shelley and Word—13.

On motion of Senator Broughton Senate bill No. 81, "An Act to establish a bridge across Choctaw Bayou, in Grayson county," was taken up, read second time and ordered engrossed.

On motion of Senator Broughton the rules were further suspended, the bill read third time and passed by the following two-thirds vote :

Yeas—Senators Avinger, Baker, Ball, Broughton, Cole, Dillard, Ford, Finlay, Flanagan, Gaines, Hall, Henry, Latimer, Rawson, Ruby, Sayers, Shelley, Tendick, Tracy, Word, and Mr. President—21.

Senator Rawson moved to adjourn to 10 o'clock A. M. Monday next, which was carried by the following vote :

Yeas—Senators Baker, Ball, Broughton, Cole, Ford, Flanagan, Gaines, Hall, Latimer, Rawson, Tendick, Tracy, and Mr. President—13.

Nays—Senators Avinger, Dillard, Dohoney, Evans, Finlay, Franks, Henry, Ruby, Saylor, Sayers, Shelley, and Word—12.

SENATE CHAMBER,
AUSTIN, TEXAS, February 10, 1873. }

Senate met pursuant to adjournment Roll called; Quorum present. Prayer by the chaplain.

Journal of Saturday read and adopted.

Senator Shelley presented the petition of S. B. Buckley, asking pay for services as Geologist. Referred to Committee on Claims and Accounts.

Senator Finlay presented memorial of H. W. Hall, asking patent on certain certificate located. Referred to Committee on Private Land Claims.

Senator Shelley presented petition of Thomas F. McKinney, asking payment of a debt long due to him. Referred to Committee on Public Debt.

Also, the memorial of Julius Quast, asking payment of a pay certificate. Read and referred to Committee on Claims and Accounts.